# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 09/844,288 | 04/27/2001 | Shuvranshu Pokhariyal | 10559/408001/P10345 | 9993 |

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| EXAMINER |
|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2655 | |

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>18 October 2004</u>.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

2.      Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Balakrishnan (6,233,559) in view of Scott et al (6101473).

As per claim 1-4, 12-16, and 22-25, Balakrishnan (6,233,559) teaches:

receiving information about a recognized phrase from a speech recognition engine

(col. 4, lines 18-19 and 31-33);

selecting, based on the recognized phrase an inherent handler function and

handling information from sets of handling information associated with a different

application, based on identifying the application that is a focus of the recognized phrase

(col. 4, lines 35-40 and 47-51);

having first located the sets of handling information, when the execution of the

associated application is initiated (col. 5, lines 1-5);

loading a first grammar for a first application that is automatically selected and

loading a second different grammar for a second automatically recognized application

(col. 4 lines 40-66).

As per claims 1,12, and 22, Balakrishnan (6,233,559) does not explicitly teach

the speech engine separate from the applications themselves, however, Scott et al

(6101473) teaches the speech server to be separate from the applications themselves (Fig.

7). Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the teachings of Balakrishnan with a separate speech

engine because it would advantageously allow for more than one application to access the

speech engine (Scott et al, col. 2 line 65 – col. 3 line 2).

As per claim 5, Balakrishnan (6,233,559) teaches downloading the applications

and potentially the speech engine for the user (col. 3 line 55 – col. 4 line10).

As per claims 6, 9, 10, 17, 20, 21, 26, 29, and 30, Balakrishnan (6,233,559)

teaches:

detecting a change of focus from a first to a second application (col. 4, lines 45-

47);

inherently producing a second grammar based on the handling information

associated with the second application and loading the second grammar into the speech

recognizer engine (col. 5, lines 16-18 with Figure 2, elements 44, 48, or 46 and 50);

directing the operating system to provide notification in response to the focus

changing and receiving notification from an operating system (col. 4, lines 41-45 with

col. 5, lines 1-5).

As per claims 7, 18, 27, and 28, Balakrishnan (6,233,559) does not teach

generating an uncompiled grammar based on the handling information and compiling it

into a binary format. However, it would have been obvious for an artisan at the time of

invention to do this (if it had not been already done) to enable the speech recognizer to

properly interpret the input speech commands.

As per claims 8, 19, and 28, Balakrishnan (6,233,559) does not teach unloading a

first grammar associated with the first application from the speech engine. However, it

would have been obvious for an artisan at the time of invention to do this when focus has

shifted away from the first application so that the speech recognizer would not have to

consider irrelevant commands.

As per claim 11, Balakrishnan (6,233,559) does not explicitly teach loading the

grammar for a second engine onto the speech engine when the focus is changed from a

third application to the second application. However, it would have been obvious for an

artisan at the time of invention to do this (if it had not already been done) to enable the

speech recognizer to properly interpret the commands for the second application.

3.      Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Balakrishnan (6233559) in view of Scott et al (6101473) in further view of Weber

(6532444).

As per claims 31-33, Balakrishnan (6233559) in view of , Scott et al (6101473)

does not explicitly teach wildcard options for the recognized phrase, however, Weber

(6532444) teaches context specific grammars (abstract) wherein wildcards are utilized

(col. 8 line 63 – col. 9 line 7).  Therefore, it would have been obvious to one of ordinary

skill in the art of speech control processing to modify the context grammar of

Balakrishnan (6233559) in view of Scott et al (6101473) with a wildcard function

because it would allow for user specific facts to be stored (Weber (6532444), col. 3 lines

30-35).

### Response to Arguments

4.      Applicant's arguments filed 11/18/04 have been fully considered but they are not

persuasive.  As per applicant's arguments on the bottom of page 13 with respect to the

Scott reference, examiner argues that the fact that Scott's invention resides on the

telephone system, and acts like an interface between the internet and the speech

recognition server, proves that the speech engine is separate from the other applications

(such as the use of it in applications on the internet), as claimed in claim 1.

As per the applicant's arguments on page 14, that Scott does not teach other

features of claim 1,  examiner argues that the Scott reference is brought in to address the

claim limitations as noted above. Furthermore, in terms of claim 1, the loading of

grammars onto applications is taught by Balakrishnan, as noted above (with the

application containing the speech recognition); the separating of the application from

speech recognition is taught by Scott (as noted above); and the combination of

Balakrishnan in view of Scott teaches the loading of grammars into a structure that

contains applications and speech recognition functions that are separated. In response to

applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA

1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As per applicant's arguments from pages 14-15, examiner argues that Scott

provides the motivation to combine the references (because it would advantageously

allow for more than one applications to access the speech engine (Scott et al, col. 2 line

65 – col. 3 line 2)). The benefit of the combination of Balakrishnan (6,233,559) in view

of Scott et al (6101473) is that a plurality of applications could search more than one

grammar. In terms of applicant's arguments regarding impermissible hindsight; clearly,

the motivation to combine the references comes from Scott, as shown in the rejection

above.

As per applicant's arguments with respect to claim 5, these arguments address

newly added claim limitations that have not been addressed in previous office actions.

Nonetheless, examiner notes that Scott does not teach away from a speech engine on a

user's computer. In fact, Scott is teaching the concept of moving the speech engine from

a user's computer to a network so that it can be more readily accessible (Scott, col. 2).

Scott's improvement over prior art teaches us that prior art systems contained speech

engines, and that Scott's invention offers the speech engine to be centrally located (on a

network -- Scott does not preclude the notion of the user having a speech engine on the

computer).

As per applicant's arguments that hindsight reasoning was used with respect to

the limitations of claim 8, examiner argues that it is inherent that when a second

application/speech engine is used, that downloading the new grammar would replace

("unload") the previously used grammar.

### *Conclusion*

9.    **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231
> **or faxed to:**
> (703) 872 9314,
> (for informal or draft communications, please label "PROPOSED" or
> "DRAFT")
> Hand-delivered responses should be brought to Crystal Park II, 2121
> Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

10.    Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Michael Opsasnick, telephone number (703)305-4089,
who is who is available Tuesday-Thursday, 9AM-4PM.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

     Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

11/22/2004

SUSAN MCFADDEN

PRIMARY EXAMINER